

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Waiver)	
Of Section 54.507)	Application No. 171014279
Of the Commission's Rules)	
By the Chicago Public Schools)	

**REQUEST FOR WAIVER
OF SECTION 54.507 OF THE COMMISSION'S RULES
BY THE CHICAGO PUBLIC SCHOOLS**

Pursuant to section 54.719(c) of the Commission's rules,¹ the Chicago Public Schools (CPS or the District) hereby respectfully requests a waiver of the service installation deadline at section 54.507(d)(4) of the Commission's E-rate rules for the above-referenced application.²

The E-rate manager for the Chicago Public Schools had timely filed the extension request in July 2018—two months before the due date. It appears that the request was not recorded in the E-rate Productivity Center, however, and so the Chicago Public Schools is submitting this request for waiver so that USAC can accept the submission that was refiled nine days after the deadline.

Chicago refiled its extension request within the 14-day grace period the Commission has allowed for other paperwork submitted after a deadline, and it is in the public interest for the Commission act consistent with that precedent here as well. If the extension is not granted,

¹ 47 C.F.R. § 54.719(c).

² 47 C.F.R. § 54.507(d).

Chicago will lose access to \$6.7 million in committed funding, and, at a minimum, face a delay of at least a year for the installation of internal connections in 132 schools.

For the reasons set forth below, the Wireline Competition Bureau (Bureau) should grant this waiver request, and any other waivers necessary to grant the requested relief, and remand the above-captioned application to USAC so that the District can receive its service installation extension, install the internal connections, and receive its committed funding.

I. BACKGROUND

Chicago Public Schools (Billed Entity Number 135749) is one of the nation's largest school districts. It has more than 600 schools serving 361,000 students. The District E-rate discount for Category Two services is 85 percent.

On October 12, 2017, the Chicago Public Schools received a commitment of \$6.7 million for internal connections for Funding Year 2017.³ This committed amount is part of a multi-year contract with the same service provider with multiple FRNs. Towards the end of Funding Year 2017, it became apparent that the District would need an extension of the installation deadline for the project, which involved installing internal connections equipment in 132 of its schools. Extensions in the past under this multi-year contract were granted.

Sharon Wong, the District's E-rate manager, submitted the service installation extension request to USAC before July 23, 2018, via the E-rate Productivity Center (EPC) as the service provider needed a few additional months to complete installation.⁴ When she entered the EPC system in October to submit a related contract extension request, however, she discovered that EPC had no record of her installation extension request. It was only nine days after the extension

³ FCC Form 471 171014279.

⁴ See Affidavit of Sharon Wong.

request was due, and she immediately submitted the additional request to USAC on October 9, 2018—nine days after the September 30 deadline.⁵ Ms. Wong does not have a screenshot of her previous submission of the request in July, but she did inform the service provider that the extension request had been submitted.⁶ In addition, it has happened previously that she submitted documents to USAC that were then “lost” by the EPC system.⁷ About the same time, she had submitted an FCC Form 500 twice but it did not show up in EPC until a USAC reviewer uploaded it into the system.⁸

The District has not yet received a denial of the extension request from USAC but has been told by USAC staff that a waiver from the Commission will be necessary to process the extension request. The District is filing this waiver within 60 days of the September 30, 2018, extension request deadline.

II. A WAIVER OF THE COMMISSION’S SERVICE INSTALLATION EXTENSION DEADLINE IS IN THE PUBLIC INTEREST

The Chicago Public Schools respectfully requests that the Bureau waive section 54.507(d) because it refiled its service installation extension request after the service installation deadline for funding year 2017.

Section 54.507(d)(4)(iii) of the Commission’s rules provides that an applicant may obtain an implementation extension from USAC if “[t]he applicant’s service provider is unable to

⁵ Exhibit 1, FCC Form 500 dated October 9, 2018.

⁶ Exhibit 2, Email from Sharon Wong, Chicago Public Schools, to Lisa Kilbridge, Sentinel (service provider), dated July 23, 2018 (“P.S. when I replied to the email below, I thought you mean Year 20 for some reasons. I have already submitted for extension for Year 20.”) Year 20 is Funding Year 2017.

⁷ Exhibit 3, Case #243990, Ms. Wong communication with USAC regarding missing FCC Form 500.

⁸ *Id.*

complete implementation for reasons beyond the service provider's control."⁹ This extension request must be filed by the service installation deadline.¹⁰ Here, the Chicago Public Schools filed the extension request by the deadline, but because there was no record of it in USAC's IT system, it was forced to refile nine days after the deadline. It is in the public interest for the Bureau to grant this waiver request because the Chicago Public Schools believes it filed the request before the deadline¹¹ and, even if the extension was filed after the deadline, the nine-day delay is within grace periods allowed by the Commission for other rules. Finally, there is no harm to the fund due to the delay but there would be significant harm to the school district if the extension is denied.

Any of the Commission's rules may be waived if good cause is shown.¹² The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹³ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁴ The Bureau has waived section 54.507(d) where it has found that the

⁹ 47 C.F.R. § 54.507(d)(4)(iii). The Chicago Public Schools' extension request substantively satisfied the criteria in the Commission's rules and we believe USAC will grant the extension if the Commission grants the waiver allowing USAC to consider the extension request on the merits.

¹⁰ The rule does not state that the service delivery extension request must be filed prior to the deadline. The Commission adopted that requirement in an Order. *See Federal-State Joint Board on Universal Service*, CC 96-45, Report and Order, 16 FCC Rcd 13510, ¶ 15 (2001).

¹¹ *See* Affidavit of Sharon Wong.

¹² 47 C.F.R. § 1.3.

¹³ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

¹⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

applicants “attempted in good faith to comply in a timely manner in seeking an extension of the deadline.”¹⁵

The Bureau has previously granted waivers of the service implementation extension deadline when—as here—the extension request was filed late. In its 2015 *Accelerated Charter Order*, the Bureau granted the petitioners’ appeals regarding their installation extensions when they “made significant efforts to secure the necessary extensions” even though they filed their extensions late.¹⁶ Here, the Chicago Public Schools first attempted to submit its extension request in July and then resubmitted its extension request with USAC within nine days of the deadline. As such, the Chicago Public Schools has satisfied the Commission’s standard of making “significant efforts” to obtain the installation extension.

Further, a waiver here would be consistent with the Commission’s prior actions regarding late-filed paperwork. The Commission has routinely waived its rules when applicants file their paperwork only a few days’ late. Specifically, the Commission has allowed applicants to file

¹⁵ *Requests for Review of the Decision of the Universal Service Administrator by Lancaster School District*, CC Docket No. 02-6, Order, DA 11-741, ¶ 3 (WCB, TAPD 2011).

¹⁶ *Requests for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter*, Order, 29 FCC Rcd 13652, 13652-53 ¶ 2 (WCB TAPD 2014) (*Accelerated Charter Order*). In the wake of the *Accelerated Charter Order*, the Bureau has granted a number of late-filed installation extension requests. See, e.g., *Request for Review of Decisions of the Universal Service Administrator by Academy Charter School et al.*, CC Docket No. 02-6, Order, 29 FCC Rcd 5820 (Wireline Comp. Bur. 2014) (granting 11 extensions of the services implementation deadline when petitioners were unable to complete implementation on time for reasons beyond the service providers’ control and made significant efforts to secure the necessary extensions). See also *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 13-184, Public Notice, 31 FCC Rcd 13450 (2016) (granting a late-filed service implementation deadline extension request filed by Greyhills Academy); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, Public Notice, 30 FCC Rcd 3893 (2015) (*Harlandale PN*) (granting three service implementation deadline extension requests that had been filed late, including that of the Harlandale Independent School District); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, Public Notice, 31 FCC Rcd 3932 (2016) (granting the Ch’ooshgai Community School’s appeal).

their applications up to 14 days late.¹⁷ In addition, the Commission has allowed applicants to file their appeals late.¹⁸ In other instances, the Commission has determined that some leeway is in the public interest as long as filings are made shortly after the deadline and when a more strict approach to the deadline would be an effective denial of funding that was already committed. For example, the Commission has allowed applicants to file their Forms 486 late.¹⁹ Here, Chicago refiled only nine days late—within the 14-day grace period allowed for applications—and immediately after realizing the extension request was no longer in EPC.

Denying \$6.7 million in E-rate funding under these circumstances would be unjust and waiving the rule to the extent necessary would be efficient and consistent with the public interest.

¹⁷ See, e.g., *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice (WCB May 17, 2018) (granting Albany School District, WI, Application No. 181041794, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2018); Alvord Independent School District, TX, Application No. 181041746, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2018), *et al.* citing to *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

¹⁸ See, e.g., *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice (WCB December 29, 2017) (granting Iron County School District, UT, Application No. 171033333, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2017), citing *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

¹⁹ See *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, para. 11 (WCB 2016) (allowing applicants to file their Forms 486 late but before the invoicing deadline for that funding year as long as they have a good reason); see also *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6 and 06-122, Public Notice (WCB February 28, 2018) (granting Boys and Girls Club of Puerto Rico, PR, Application No. 1020321, CC Docket No. 02-6, Request for Review (filed June 22, 2017).

As such, the Chicago Public Schools respectfully argues that a waiver of section 54.507(d) would be in the public interest.

III. CONCLUSION

For the foregoing reasons, the Bureau should grant the Chicago Public Schools' request for waiver. The Bureau should also grant a waiver of any other rules, such as the invoicing deadline rules, necessary to effectuate a grant of this appeal.

Respectfully submitted,



Phillip DiBartolo
Chief Information Officer
Chicago Public Schools
42 West Madison, 2nd Fl,
Chicago, IL 60602

November 19, 2018

CERTIFICATE OF SERVICE

This is to certify that on this 19th day of November, a true and correct copy of the foregoing Request for Review was sent via email to:

SLD, Universal Service Administrative Company, Appeals@usac.org

Affidavit of Sharon Wong

STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

I, Sharon Wong, swear:

1. I am the E-rate Manager for the Chicago Public Schools. In this position, I am responsible for managing the E-Rate program activities in the district. I have served in this position since September 2006.
2. In July 2018, I submitted a request for an E-rate service installation extension via Form 500 for the Chicago Public Schools Funding Year 2017 Category 2 application.
3. When submitting a related contract extension request on October 9, 2018, I noticed that the earlier Form 500 request for the service installation extension was not listed in EPC.
4. I immediately refiled the service installation extension request with USAC.
5. I spoke with Jeff Walsh at USAC after filing the additional service installation extension request. Mr. Walsh said that USAC would automatically deny the second request.
6. This is not the first time I have had a submission disappear in EPC. Also last July, I submitted another Form 500, and it did not appear in EPC until a USAC employee uploaded it to the system.
7. I avow the information stated in the foregoing appeal is true and correct to the best of my knowledge and belief.

Further Affiant Sayeth Not.



Sharon Wong

E-rate Manager

Chicago Public Schools
501 West 35th Street, 2nd Floor
Chicago, IL 60616

VERIFICATION

STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

COMES NOW, Sharon Wong, and being first duly sworn upon my oath, state that I have read the foregoing Affidavit, and that the facts contained therein are true and correct to the best of my knowledge, information and belief, and that I sign the same as my free act and deed.

Sharon Wong

On this 17th day of November, 2018, before me, a Notary Public in and for said state, personally appeared Sharon Wong, known to me to be the person who executed the within Affidavit, and acknowledged to me that she executed the same for the purposes therein stated and that she executed the same as her free act and deed.

Notary Public

My Commission Expires:

11-29-2021

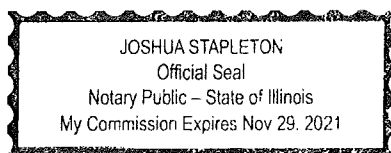


EXHIBIT 1

FY2017-SI-ContractRenewal+ServiceExtension - #125773

Summary Associated FRNs Review Inquiries News Related Actions

In-Review Outreach Wave Ready Committed

Funding Commitment Adjustment Request Form

FCC Form 500 Details

View Status (+)

Funding Year 2017

Submitting Organization CHICAGO PUBLIC SCHOOLS (BEN: 135749)

Created By Sharon Wong

Created On 10/9/2018 10:32 AM CDT

Main Contact

Name Sharon Wong
Phone Number 773-553-4026

Email sswong@cps.edu

Contract Expiration Date Change

FRN	Application Number	Application Nickname	FRN Nickname	Category of Service	SPIN	SPIN Name	Original CED	New CED
1799099667	171014279	FY17-471-IC	LAN System Improvements	Category 2	143008231	Sentinel Technologies, Inc.	6/30/2018	6/30/2019

Narrative: Chicago Public Schools requests a service delivery extension due to the service provider being unable to complete delivery and installation for reasons beyond the service provider's control.

Service Delivery Extension Request

FRN	Application Number	Application Nickname	FRN Nickname	Category of Service	SPIN	SPIN Name
1799099667	171014279	FY17-471-IC	LAN System Improvements	Category 2	143008231	Sentinel Technologies, Inc.

Service Provider Questions

Was the service provider unable to complete delivery and installation for reasons beyond their control?

YES/ NO

Was the service provider unwilling to complete delivery and installation after USAC withheld payment for more than 60 days on an invoice for those services?

YES NO/

View Supporting Documentation (+)

DOWNLOAD AND PRINT

EXHIBIT 2



Wong, Sharon <sswong@cps.edu>

Re: Service Deadline Extension Request for FRN 2718274 - Case 22-946392

1 message

Sharon Wong <sswong@cps.edu>

Mon, Jul 23, 2018 at 11:39 AM

To: "Kilbridge, Lisa" <lkilbridge@sentinel.com>

Cc: Kathryn Zalewski <klzalewski@cps.edu>, Richard Burnson <rburnson@cps.edu>, "Davis, Robert" <rdavis@sentinel.com>

Hi Lisa,

I was talking to Richard about it this morning. We have extended Year 18 for 2 years. I don't know if we can get approval for this round. Would you please send me the circumstances or reasons that service provider is unable to complete the delivery and installation beyond their control?

P.S. When I replied the email below, I thought you mean Year 20 for some reasons. I have already submitted for extension for Year 20.

Best Regards,

Sharon Wong | E-Rate Manager
Information & Technology Services
Chicago Public Schools

Bridgeport Office - 501 West 35th Street, 3rd Floor, Chicago, IL 60616

Ph: (773) 553-4026 | Fax: (773) 553-6180

Email: sswong@cps.edu

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On Mon, Jul 23, 2018 at 11:17 AM Kilbridge, Lisa <lkilbridge@sentinel.com> wrote:

Any update on the extension?

Lisa KilbridgePh: [\(630\) 769-4392](tel:(630)769-4392)**From:** Sharon Wong [mailto:sswong@cps.edu]**Sent:** Monday, June 25, 2018 10:00 AM**To:** Kilbridge, Lisa <lkilbridge@sentinel.com>**Cc:** Kathryn Zalewski <klzalewski@cps.edu>; Burnson, Richard <rburnson@cps.edu>; Davis, Robert <rdavis@sentinel.com>**Subject:** Re: Service Deadline Extension Request for FRN 2718274 - Case 22-946392

Sure. It's on my list. I will handle it.

Thanks

Best Regards,

Sharon Wong | E-Rate Manager

Information & Technology Services

Chicago Public Schools

Bridgeport Office - 501 West 35th Street, 3rd Floor, Chicago, IL 60616

Ph: (773) 553-4026 | Fax: (773) 553-6180

Email: sswong@cps.edu

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On Mon, Jun 25, 2018 at 9:52 AM Kilbridge, Lisa <lkilbridge@sentinel.com> wrote:

Sharon,

It looks like it's time for our next hurdle! The Year 18 Service Deadline of 9/30/18 is 97 days away. Do you need any information from Sentinel in order to request an extension? We expect to complete installations in Feb/Mar 2019.

Thanks,

Lisa Kilbridge

Ph: (630) 769-4392

From: Wong, Sharon [mailto:sswong@cps.edu]

Sent: Tuesday, August 22, 2017 10:06 AM

To: Burnson, Richard <rburnson@cps.edu>; Kilbridge, Lisa <lkilbridge@sentinel.com>; Davis, Robert <rdavis@sentinel.com>

Cc: Kathryn Zalewski <klzalewski@cps.edu>; Andrew Eisley <aeisley@e-ratecentral.com>

Subject: Fwd: Service Deadline Extension Request for FRN 2718274 - Case 22-946392

Good morning all,

Year 18 SI FRN extension is approved. Service deadline is now September 30, 2018.

Thank you for providing response to SLD.

Best Regards,

Sharon Wong | E-Rate Manager

Information & Technology Services
Chicago Public Schools

Bridgeport Office - 501 West 35th Street, 3rd Floor, Chicago, IL 60616

Ph: (773) 553-4026 | Fax: (773) 553-6180

Email: sswong@cps.edu

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----- Forwarded message -----

From: **Parisi, Antonina** <Antonina.Parisi@sl.universalservice.org>

Date: Tue, Aug 22, 2017 at 9:53 AM

Subject: Service Deadline Extension Request for FRN 2718274 - Case 22-946392

To: "sswong@cps.edu" <sswong@cps.edu>

Cc: "sharon.wong@1-773-553-6050" <IMCEAFAX-UTF8-sharon+2Ewong+401-773-553+E2+80+906050@solixinc.com>, "thill@sentinel.com" <thill@sentinel.com>

Please see the attached letter.

Thank you for your cooperation and continued support of the Universal Service Program

Brandon Pasanen

Case Management, Invoicing Team, Schools and Libraries Program

30 Lanidex Plaza West | Parsippany, NJ 07054

T: [973-581-7570](tel:973-581-7570) | F: [973-599-6539](tel:973-599-6539)

Brandon.pasanen@sl.universalservice.org

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EXHIBIT 3

#243990 - FY15-SI-ServiceExtension-2nd

REOPEN CASE

Summary News Related Actions

Case Details

Topic	FCC Form 500 - Status Inquiry	Form Type	FCC Form 500
Status	Closed	Form Number	
Priority	Medium	Created By	Sharon Wong
Inquiry Type	Web	Created On	7/27/2018 4:16 PM CDT
		Organization	CHICAGO PUBLIC SCHOOLS

Case Description

Description I submit a Form 500 for Funding Year 2015 on 7/25. Nick name :FY15-SI-ServiceExtension-2nd. However, I can't search it under Legacy Form 500. Please confirm if you receive the form.

Case Artifacts

Documents

Name	Uploaded By	Upload Date
FCC-Form-500 SI FRN 2718274 2018.7.25	Sharon Wong	9/12/18 10:17 AM

Attachments

Attachment	Attachment Type
No items available	

Case Thread

User	Note	Date
USAC	Sharon, The service delivery deadline has been extended to 9/30/2019.	10/9/2018 1:16 PM CDT
Sharon Wong	Would you please provide the Form 500 status for service extension FRN 2718274? This Form 500 was filed in July. The service delivery deadline is 9/30/2018. Please expedite the process.	9/28/2018 11:11 AM CDT
USAC	Sharon, I was able to get it uploaded, so we have it now. It should be processed soon.	9/17/2018 12:25 PM CDT
Sharon Wong	It's a pdf file. Since the FRN is for FY 2015, the system request me to update the Form 500. I have filed it twice since end of July. Please see attached. Last date to deliver service is end of this month. Would you please process this form asap?	9/12/2018 10:17 AM CDT
USAC	I can't seem to find it in here. What kind of file is it that you're attempting to upload? Is it a pdf?	9/12/2018 10:07 AM CDT
Sharon Wong	Any Status Update?	8/30/2018 9:48 AM CDT
Sharon Wong	I resubmit the Form 500 for Funding Year 2015 with Nick Name "FY15-SI-ServiceExtension-2nd-re". Please confirm the receipt of Form 500. Thank you!	8/14/2018 10:00 AM CDT
USAC	Sharon, I believe there was an error when attaching your form. Please resubmit the form and allow 2 weeks for processing.	8/7/2018 10:23 AM CDT

User	Note	Date
USAC	<p>Thank you for contacting USAC Client Service Bureau regarding status of legacy FCC Form 500. We have escalated your case to USAC customer service management for a response. If you have additional questions, please contact us at (888)-203-8100.</p> <p>Thank you, Jasmine A. Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	7/27/2018 5:44 PM CDT
9 items		

Case Contact

Case Contact Sharon Wong

